

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION**

**Master File No. 12-md-02311
Honorable Marianne O. Battani**

In Re: All Cases

**THIS DOCUMENT RELATES TO:
All Actions**

NISSAN ENTITIES' JOINDER IN REPLIES FILED BY CERTAIN SSEs

The Nissan Entities hereby join in the reply to be filed by Certain SSEs in support of their objections to the order of the Special Master [D.E. 1294] except as to Section III. A. The Nissan Entities do not object that the Special Master took the motion to compel under submission to permit the Parties and the Nissan Entities to exchange information relating to the nature, accessibility and burden of producing documents.

During the pendency of these objections, and on a voluntary basis, the Nissan Entities have shared with the Parties foundational information as to Nissan's procedures, and information as to the nature, accessibility and burden of production of the materials sought by the Parties' subpoena. The Nissan Entities are hopeful that the Parties will use this information to focus their inquiries, and to assist Nissan in preparing any witnesses that may testify. The Nissan Entities have asked that the Parties share in advance of the depositions specific information as to their areas of inquiry. Nissan may allow depositions to proceed, provided that reasonable terms can be negotiated and its witnesses have sufficient time to prepare.

The Nissan Entities have also requested that the Parties help Nissan understand the protection and security of data produced in this litigation. The Nissan Entities need assurance that this data

will, at all times, be held in a manner that does not expose it to theft or misappropriation, including theft by hackers. Loss of data security would expose the Nissan Entities to irreparable commercial harm.

The Nissan Entities reserve all objections to the Subpoena at issue herein. Compliance with the Subpoena, even as revised by the Parties, would cause very substantial expense and diversion of personnel from Nissan's core business, and for a very substantial period.

Nissan Motor Acceptance Corp. joins in the Reply filed by the Non-Core SSEs. It will nevertheless meet and confer with the Parties in relation to their requests for information about sales to end purchasers – the only information in its custody not otherwise in the possession of Nissan North America, Inc..

DATED: May 4, 2016

Respectfully submitted,

NISSAN NORTH AMERICA, INC.
NISSAN DESIGN AMERICA, INC.
NISSAN TECHNICAL CENTER NORTH
AMERICA, INC.
NISSAN MOTOR ACCEPTANCE
CORPORATION

By: /s/ Anthony J. Anscombe

One of Their Attorneys

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